

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,) CASE NO. MJ 09-28
Plaintiff,)
v.)
DAVID E. HAYES,)
Defendant.)

)

Offense charged: Bank Robbery (four counts)

Date of Detention Hearing: Initial appearance, January 28, 2009

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of other persons and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(1) Defendant is charged by Complaint with four counts of bank robbery, allegedly occurring between the dates of December 28, 2008 and January 22, 2009. The complaint also

01 references two uncharged felonies of auto theft and robbery.

02 (2) Defendant does not contest detention. He was not interviewed by Pretrial Services,
03 and his background information is limited. He is alleged to have admitted to a longtime addiction
04 to heroin. His criminal history includes bench warrant activity for failure to appear and non-
05 compliance.

06 (3) Defendant poses a risk of nonappearance due to outstanding warrants, unverified
07 or unknown background information, a self-admitted addiction to heroin and a history of failure
08 to appear and to comply with court orders. He poses a risk of danger due to the nature and
09 circumstances of the charged offenses, his criminal history and self-admitted addiction to heroin.

10 (4) There does not appear to be any condition or combination of conditions that will
11 reasonably assure the defendant's appearance at future Court hearings while addressing the danger
12 to other persons or the community.

13 It is therefore ORDERED:

14 (1) Defendant shall be detained pending trial and committed to the custody of the
15 Attorney General for confinement in a correction facility separate, to the extent
16 practicable, from persons awaiting or serving sentences or being held in custody
17 pending appeal;

18 (2) Defendant shall be afforded reasonable opportunity for private consultation with
19 counsel;

20 (3) On order of a court of the United States or on request of an attorney for the
21 Government, the person in charge of the corrections facility in which defendant is
22 confined shall deliver the defendant to a United States Marshal for the purpose of

an appearance in connection with a court proceeding; and

(4) The clerk shall direct copies of this Order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States Pretrial Services Officer.

DATED this 28th day of January, 2009.

Mary Alice Theiler
Mary Alice Theiler
United States Magistrate Judge